IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

FRIDAY, THE 4TH MAY 2007 / 14TH VAISAKHA 1929

Bail Appl..No. 2632 of 2007()

(CRIME NO.122/07 OF KASHA POLICE STATION, KOZHIKODE)
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PETITIONER

P.T.NIZAR, AGED 23 YRS.,
S/O.MOIDEEN KOYA, THIRUTHIMMAL HOUSE,
PALLIKANDI, KALLAI, KOZHIKODE.

BY ADV. SRI.P.SANJAY
SRI.M.MUHAMMED SHAFI

RESPONDENTS:
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1. STATE OF KERALA, REP. BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

2. THE STATION HOUSE OFFICER, KASABA POLICE STATION, KOZHIKODE DT.

BY PUBLIC PROSECUTOR SRI.P.RAVINDRABABU

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 04/05/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.P.Balachandran, J.

B.A.No. 2632 of 2007

ORDER

This is an application for anticipatory bail filed under Section 438 Cr.P.C.

2. The petitioner is the second accused in Crime No.122/07 of Kasaba Police Station for offence under Section 379 IPC read with Section 34 thereof. The occurrence in the case has taken place on 3.4.2007 and the Investigating Agency could not apprehend the petitioner till date. It is obvious that the Investigating Agency will not be able to complete the investigation in a fruitful manner, in the circumstances.

In the result, I allow this bail application and direct:

(i) the petitioner to surrender before the learned Magistrate concerned positively within fifteen days from today;

(ii) on such surrender and on his depositing, by way of cash security, an amount of Rupees ten thousand and executing bail bond for Rupees twenty thousand with two solvent sureties each for like sums to the satisfaction of the learned Magistrate concerned, the petitioner shall be enlarged on bail;

(iii) on such release the petitioner shall co-operate with the investigation in the case and shall report before the Investigating Officer between 10 a.m. and 11 a.m. on all Tuesdays and Fridays for a period of two months and thereafter on all Tuesdays only, till the investigation in the case is over and final report is laid; and

(iv) the grant of anticipatory bail shall not stand in the way of the learned Magistrate granting custody of the petitioner to the Investigating Officer for questioning, if the Investigating Agency so asks for and the learned Magistrate deems it fit to grant, considering the circumstances of

the case.

4th May, 2007 (K.P.Balachandran, Judge)

tkv